THE HON'BLE SRI JUSTICE ELIPE DHARMA RAO

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WRIT PETITION NO : 18888 of 2005

Dated: 25.08.2005

Between:

N.Balasubbanna S/o. Pedda Subbaiah, R/o. 6/89, Sankarapuram Kadapa Town, Kadapa District.

..... PETITIONER

AND

1 The Government of Andhra Pradesh Rep. by District Collector, Kadapa District at Kadapa and others.

.....RESPONDENTS

THE HON'BLE SRI JUSTICE ELIPE DHARMA RAO

-

WRIT PETITION NO : 18888 of 2005

ORDER:

Seeking a direction to declare the action of the respondents in trying to interfere with the peaceful possession and enjoyment of the Plot No.158 situate in S.No.919/1 of Chinnachowk village, Kadapa Mandal, without due process of law, as illegal and arbitrary, the present writ petition has been preferred.

02. A brief reference to the factual aspects would suffice.

03. The lands situated in S.No.919/1 to an extent of Ac.21.70 cents equivalent to 8.782 hectares were allotted to the 3rd respondent Society by the 1st respondent for allotment of house sites to its members vide proceedings dated 21.3.1975. Pursuant to the same, on payment of sale consideration, a registered sale deed was executed in favour of the petitioner on 22.4.1977 by the 3rd respondent-Society. While so, in 1994, when the 1st respondent sought to resume the lands in S.Nos.1043 and 1044 of Chinnachowk village, the members of the 3rd respondent society and others approached this Court by way of filing numerous writ petitions including W.P.No.8861 of 1996 in which he was a party to the writ petition and the said writ petition were disposed of. Subsequently, when he tried to remove the bushes from his plot on 5.2.2005, he was informed by the 3rd respondent society people that the land was resumed by the Government, so that he shall not enter into the land without consent of 1st and 2nd respondents. Hence, he approached the 2nd respondent by way of a representation. In pursuance of the same, the 2nd respondent had issued an endorsement dated 11.2.2005 that the land situated in S.No.919/1

was not resumed by the Government and orally informed that the orders of this Court passed in the writ petitions are not binding on him. On 10.08.2005, again he tried to remove the bushes, the 3rd respondent society people have directed him that the plot allotted to him is under resumption orders. Hence the writ petition.

04. Heard the learned counsel on either side.

05. Perused the entire material on record and the order impugned.

06. It is perceptible from the record that when the petitioner approached the 2nd respondent by way of a representation seeking for clarification as to whether the land situate in S.No.919/1 of Chinnachowk village, was resumed or not, he was informed by the 2nd respondent by an endorsement dated 11.2.2005 that the land situated in S.No.919/1 was not resumed by the Government.

A perusal of the endorsement dated 11.2.2005 annexed to the writ petition goes to show that the Survey No.919/1 of Chinnachowk village is not entered in Prohibition Order Book Register of Cuddapah Mandal.

07. Considering the facts and circumstances of the case and in view of the endorsement made by the 2nd respondent, I deem it appropriate to direct the respondents not to dispossess the petitioner, if he is in possession of the land, without following the due process of law.

08. The writ petition is disposed of accordingly.

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25.08.2005

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